



WASHINGTON STATE DEPARTMENT OF NATURAL RESOURCES

NOTICE OF INTENT TO OBTAIN CUSTODY

Vessel *Tom's Toy*, Displaying Washington Registration #WN 495 BJ

In accordance with Revised Code of Washington (RCW) 79.100, the sailboat displaying Washington Registration #WN 495 BJ, has been declared derelict or abandoned. On or about July 26, 2009, the Vessel went adrift and partially sunk in Carr Inlet, Pierce County. On July 29, 2009, the Washington State Department of Natural Resources (DNR) took temporary possession of the vessel and had it removed from a temporary anchorage off Green Point, Carr Inlet, in order to keep the vessel from breaking up further and to mitigate the threats it posed. It is now being stored at Swantown Boatworks, Port of Olympia.

DNR, acting as an authorized public entity with the authority granted in RCW 79.100, intends to take formal and full custody of the above-named vessel on **August 31, 2009**. Once DNR obtains custody of the vessel, it is authorized to use or dispose of it in any appropriate and environmentally sound manner as provided in RCW 79.100, without further notice to the owner.

In order for the owner to retain custody of the vessel before **August 31, 2009**, the owner must pay the costs associated with its removal from the water, any accrued storage fees, provide DNR with proof that they have secured a contractor to move the vessel to a legal boat storage location, and actually remove the vessel.

In order to challenge DNR's taking temporary possession, or DNR's decision to take custody on August 31, 2009, the owner must file a written request for a hearing with DNR's Aquatic Resources Division at 1111 Washington Street SE, PO Box 47027, Olympia WA 98504-7027. The written request can be submitted immediately after receipt of this notice, but cannot be filed any later than the twentieth day after the custody date. The right to a hearing is deemed waived if a request is submitted late, and the owner is liable for any costs owed to DNR.

The costs the owner may be liable for include, but are not limited to, costs incurred by DNR while exercising the authority granted in RCW 79.100.030, all administrative costs incurred by DNR during the procedure set forth in RCW 79.100.040 and RCW 79.100.050, removal and disposal costs, and costs associated with environmental damages directly or indirectly caused by the vessel. In the event of litigation, the prevailing party is entitled to reasonable attorneys' fees and costs. Also, the owner may be guilty of a misdemeanor for allowing a vessel to become abandoned or derelict on aquatic lands per RCW 79.100.110.

DNR reserves the right to pursue any other remedies available under law.

For more information regarding this action, contact the Derelict Vessel Removal Program at (360) 902-1574 or DVRP@dnr.wa.gov